

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8232 of 2015

Arising Out of PS.Case No. -352 Year- 2014 Thana -MAJHAULIA
District- WESTCHAMPARAN(BETTIAH)

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Rajesh Mahto S/o Sh. Hiralal Mahto Resident of Village Gora Semra,
Police Station Majhaulia, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-04-2015 Heard both sides.

The petitioner seeks bail in Majhaulia P.S. Case No.
352 of 2014, registered for the offences punishable under Sections
302/34 of the Indian Penal Code.

The informant named six persons and alleged that
when he reached towards the sound raised by his brother he saw
Ramdhari Mahto and Hiralal Mahto were catching the leg of his
brother (Deepak Kumar) and Tapeswar Mahto and Rajesh Mahto
(the petitioner) were catching his hand and Vijay Mahto and
Ramsakal Mahto were assaulting him with sticks.

It is submitted that the petitioner is not the assailant of
the deceased even from the post-mortem report it appears that
Deepak Kumar got as many as five injuries which are bruise and

abrasion. The doctor has also opined that ante-mortem injuries were not sufficient to cause death.

On the other hand, learned counsel for the informant as well as learned Additional P.P. has submitted that the witnesses have stated that the petitioner also assaulted the deceased Deepak Kumar.

Having considered the facts that the first version in the FIR is, petitioner was catching the hand of the deceased Deepak Kumar and Vijay Kumar and Ramsakal Mahto assaulted Deepak Kumar with stick. Five injuries were found on the body of the deceased but all the injuries were superficial and the doctor has also opined the injury not sufficient to cause death, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction to the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P.S. Case no. 352 of 2014.

(Prabhat Kumar Jha, J.)

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